

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Bryan	Team: Squad #2	CCRB Case #: 201807361	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/26/2018 2:00 AM	Location of Incident: § 87(2)(b)	Precinct: 79	18 Mo. SOL 2/26/2020	EO SOL 2/26/2020	
Date/Time CV Reported Sun, 08/26/2018 2:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/05/2018 11:11 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Samuel Sharman	03717	945000	079 PCT
2. An officer			
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Mochrie	25039	947810	079 PCT
2. POM Gregory Clarke	02224	923673	079 PCT
3. POM Christophe Marotta	03139	953050	079 PCT
4. POM Fred Schaaf	18398	947468	079 PCT
5. POM Carlos Colon	07495	925095	079 PCT
6. POM Arkadiusz Kwasnik	12400	956030	079 PCT
7. POM Kamron Chase	11421	961683	079 PCT
8. POM Brian Mecseri	14125	930712	079 PCT
9. LT Larry Meyers	00000	939030	079 PCT
10. POM Bogdan Szurant	13897	958107	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: An officer acted discourteously toward § 87(2)(b)	§ 87(2)(b)
B. Officers	Force: Officers used physical force against § 87(2)(b)	§ 87(2)(b)
C. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D. POM Samuel Sharman	Discourtesy: Police Officer Samuel Sharman acted discourteously toward § 87(2)(b)	§ 87(2)(b)
E. POM Samuel Sharman	Force: Police Officer Samuel Sharman used physical force against § 87(2)(b)	§ 87(2)(b)
F. POM Samuel Sharman	Discourtesy: Police Officer Samuel Sharman spoke discourteously to § 87(2)(b)	§ 87(2)(b)

## Case Summary

On August 26, 2018, § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB) via 911. The complaint was received by the CCRB on September 5, 2018 (Board Review 06).

At approximately 2:00 a.m. on August 26, 2018, § 87(2)(b) was walking home from a party when she noticed an unconscious woman lying on the street in front of § 87(2)(b) in Brooklyn. § 87(2)(b) approached the officers who were providing aid to the unconscious woman and began talking with other bystanders while holding a cup of wine she had taken from the party. An unidentified officer asked her who she was, and she responded that she lived at § 87(2)(b) and wanted to see if she knew the unconscious woman. The officer allegedly grabbed the cup of wine, threw it on the ground, and pushed her (**Allegation A – Discourtesy – Action; § 87(2)(g)**) (**Allegation B – Force – Physical Force; § 87(2)(g)**). The officer then told § 87(2)(b) to “shut the fuck up” (**Allegation C – Discourtesy – Word; § 87(2)(g)**) and raised his hand towards § 87(2)(b) face. She waved her hands towards his hands and he responded by allegedly slapping § 87(2)(b) with the back of his hand (**within allegation B**). Police Officer Samuel Sharman of the 79<sup>th</sup> Precinct approached § 87(2)(b) from behind, grabbed her by her left arm, took the two bags she was carrying off her shoulders, and tossed them towards the front door of her apartment building (**Allegation D – Discourtesy – Action; § 87(2)(g)**). Police Officer Sharman then allegedly pushed her (**Allegation E – Force – Physical force; § 87(2)(g)**) and told her to “shut the fuck up” (**Allegation F – Discourtesy – Word; § 87(2)(g)**). § 87(2)(b) took two steps towards Police Officer Sharman and he allegedly shoved her to the ground (**within allegation E**). Video footage of this incident shows an unidentified officer pushing § 87(2)(b) to the ground (**within allegation B**). § 87(2)(b) was not arrested or summonsed.

Video footage taken from security cameras at § 87(2)(b) in Brooklyn is attached to IA #34 (Board Review 01) and IA #35 (Board Review 02). IA #37 contains footage from a camera marked as Camera #11 and IA #36 contains footage from a camera marked as Camera #8. Subclips of the relevant portions are attached to IA #45 (Board Review 07) and IA #46 (Board Review 08). The footage is summarized in IA #38 (Board Review 09). The footage did not have audio.

## Findings and Recommendations

**Allegation (A) Discourtesy: An officer acted discourteously toward § 87(2)(b)**

**Allegation (B) Force: Officers used physical force against § 87(2)(b)**

**Allegation (C) Discourtesy: An officer spoke discourteously to § 87(2)(b)**

On September 12, 2018, § 87(2)(b) provided a telephone statement to the CCRB (Board Review 03). On October 15, 2018, § 87(2)(b) was interviewed at the CCRB. On February 5, 2019, a photo viewing interview was conducted with § 87(2)(b) (Board Review 13 and Board Review 14). On November 14, 2018, Police Officer Brian Mochrie of the 79<sup>th</sup> Precinct was interviewed at the CCRB. On November 28, 2018, Police Officer Sharman was interviewed at the CCRB. On February 5, 2019, Police Officer Christopher Marotta of the 79<sup>th</sup> Precinct was interviewed at the CCRB. On February 27, 2019, Police Officer Gregory Clarke of the 79<sup>th</sup> Precinct was interviewed at the CCRB. On March 13, 2019, Police Officer Bogdan Szurant of the 79<sup>th</sup> Precinct was interviewed at the CCRB. On March 15, 2019, Police Officer Arkadiusz Kwasnik of the 79<sup>th</sup>

Precinct was interviewed at the CCRB. On April 30, 2019, Lieutenant Larry Meyers of the 79th Precinct was interviewed at the CCRB.

§ 87(2)(b) stated that when she approached several officers who were administering aid to an unconscious woman in front of § 87(2)(b) Street in Brooklyn, an officer, whom she described as an approximately 6'3" uniformed white male in his late 40s with a heavyset build, pale complexion, and red hair, grabbed a cup out of her hand, threw it on the ground, and pushed her with both hands. When she continued talking to him, he responded, "Shut the fuck up," and put his hand "in her face." § 87(2)(b) said that she waved her hand to get him to back up, though she did not remember if she made physical contact with him, and that he responded by slapping her mouth with the back of his hand.

The security camera footage from Camera #8 (Board Review 08) shows § 87(2)(b) approaching officers who are standing behind an ambulance from off-camera. At 2:00:54 in the time stamp embedded in the video, a uniformed male officer with a shaved head and glasses points a flashlight at § 87(2)(b) face as she appears to talk to him and gestures with her hands. At 2:01:18, § 87(2)(b) slaps the hand of the officer holding the flashlight, and he responds by pushing her with his left hand, causing her to stumble backwards without falling. At 2:01:40, § 87(2)(b) walks from the sidewalk back onto the street towards the officer who pushed her, and he pushes her again with his left hand, causing her to fall backwards onto the curb. At no point in the video does § 87(2)(b) appear to be holding a cup. It is unclear whether, prior to approaching the officers with whom she interacted in the video, § 87(2)(b) had had any other interactions with officers off-camera.

The 79<sup>th</sup> Precinct Resource Recap Log for Tour 1 August 26, 2018 on the shows three separate EVENTS that took place on that block between 1:35 a.m. and 3:34 a.m., the last of which took place at § 87(2)(b) (Board Review 11). By cross-referencing the four units that responded to these events with the finalized Roll Call for that day (Board Review 12), the investigation was able to identify Police Officer Sharman, Police Officer Mochrie, Police Officer Marotta, Police Officer Clarke, Police Officer Kwasnik, Lieutenant Meyers, Police Officer Brian Mesceri of the 79th Precinct, Police Officer Carlos Colon of the 79th Precinct, Police Officer Kamron Chase of the 79th Precinct, and Police Officer Fred Schaaf of the 79th Precinct as having possibly been in the vicinity of the incident during the time frame in which it took place.

During her photo viewing on February 5, 2019, § 87(2)(b) recognized three officers (out of a possible ten) as possible subject officers. She said that either Lieutenant Meyers or Police Officer Marotta was the officer who grabbed the cup of her hand and she identified Police Officer Sharman as the officer who threw her bags.

Police Officer Mochrie stated that, for most of the incident, he was rendering aid to the unconscious woman inside the ambulance parked in front of § 87(2)(b). While he was inside the ambulance, he did not see or hear any interaction take place between § 87(2)(b) and other officers. He did not recall seeing any other officers on the scene besides Police Officer Sharman, and did not recognize the officer in the video who pushed § 87(2)(b).

Police Officer Marotta remembered § 87(2)(b) holding a cup with alcohol in it, but he did not remember seeing an officer grab a cup from her hand or push her. He was able to identify himself

in the video from Camera #8 as the officer with a shaved head who was standing next to § 87(2)(b) and the officer with a flashlight, but he did not recognize the officer with the flashlight who pushed § 87(2)(b).

Neither Police Officer Clarke, Police Officer Szurant, nor Police Officer Kwasnik recalled any portion of the incident, and neither officer could identify any of the officers in the video. Neither officer recognized § 87(2)(b) from the photo of her that was presented to them during their interviews.

Lieutenant Meyers spoke to § 87(2)(b) at her apartment roughly an hour after the incident, but could not recall if § 87(2)(b) provided any information that would help identify these unknown officers. He was not present for the incident and did not recognize any officers in the video.

The footage from Camera #8 shows a bald white male officer with glasses pushing § 87(2)(b) to the ground at 2:01:41, but § 87(2)(b) alleged it was an officer matching Police Officer Sharman's description who pushed her to the ground. Additionally, § 87(2)(b) description of the officer who slapped her as an approximately 6'3" uniformed white male officer with a heavysset build and red hair does not match the pedigree of any of the officers in the video or any of the officers who were determined to be present at the scene. None of the officers interviewed could identify the officer in the video who pushed § 87(2)(b) to the ground.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Discourtesy: Police Officer Samuel Sharman acted discourteously toward**

§ 87(2)(b)

**Allegation (E) Force: Police Officer Samuel Sharman used physical force against** § 87(2)(b)

**Allegation (F) Discourtesy: Police Officer Samuel Sharman spoke discourteously to** § 87(2)(b)

§ 87(2)(b) stated that an approximately 6'3" tall Hispanic or "dark Italian" male officer approached her from behind, took the two bags she was carrying off her shoulders, and tossed them towards the front door of her apartment building. This officer also told her to "shut the fuck up" and pushed her. He then pushed her a second time, causing her to fall to the ground. Later, as this officer was getting in his car to leave, she spoke to him in Spanish, saying something to the

effect of, “I can’t believe you of all people would do this to me.” During her photo viewing, she identified the officer in the photo of Police Officer Sharman as the officer who took these actions. Police Officer Sharman is a 6’1” tall Hispanic male (Board Review 15).

At 2:01:28 in the timestamp embedded in the footage from Camera #8 (Board Review 08), a uniformed male officer with close-cropped dark hair, identified by the investigation to be Police Officer Sharman, reaches down near where § 87(2)(b) is standing. What he does exactly cannot be seen, because the spot where he is standing is obscured by a parked car and a tree. Two seconds later, at 2:01:30, a white bag can be seen flying through the air, over the parked car and onto the sidewalk near the entrance of the adjacent building. The bag appears to have been tossed from the exact spot where Police Officer Sharman had reached down. At 2:01:32, a red bag can be seen flying over the same parked car, following the same arc as the first bag and landing next to it on the sidewalk. The video does not appear to show Police Officer Sharman pushing § 87(2)(b) at any point, and shows a different officer pushing § 87(2)(b) to the ground as previously discussed.

Police Officer Sharman said that § 87(2)(b) threw her own bag down on the sidewalk, and he did not see any officer take the bag from her shoulder. He put his hand out to keep § 87(2)(b) away, but did not remember if he made physical contact with her, and did not see her being pushed or falling down. Although he told § 87(2)(b) to “stay back” several times, he did not use profanity or hear any other officer use profanity. He heard an officer tell her to “shut up,” but he could not recall which officer said this. As he was getting in his car, § 87(2)(b) yelled at him in Spanish, though he was not sure what she said. When he did not respond, she yelled at him in English that he should be ashamed of himself, which Police Officer Sharman took as a reference to their shared Hispanic heritage. He could not identify any officers in the video, and did not recognize himself in the video.

Police Officer Mochrie did not see or hear any interaction take place between § 87(2)(b) and other officers. Because he was inside the ambulance and Police Officer Sharman was outside the ambulance for part of the incident, he could not have seen everything that Police Officer Sharman did and said. When shown video footage of the incident, Police Officer Mochrie said he did not witness any of the actions captured because he was inside the ambulance for the entirety of the time covered by the video. He was unable to identify any of the officers in the video.

Police Officer Marotta could not recall if § 87(2)(b) was carrying any bags and did not see any officer make physical contact with her. He could not recall exactly what was said during the incident. Although he was present for the incident and recognized himself on video, he could not identify any of the other officers.

Police Officer Clarke did not recognize a photo of § 87(2)(b) and could not recall an intoxicated woman who interfered with officers providing aid. When shown video of the incident, he did not recall seeing anything depicted and could not recognize Police Officer Sharman.

As previously discussed, neither Police Officer Szurant nor Police Officer Kwasnik recalled any portion of the incident, and neither officer could identify any of the officers in the video. Neither officer recognized § 87(2)(b) from the photo of her that was presented to them during their interviews.

§ 87(2)(g)

As per New York Police Department Patrol Guide Procedure 203-09, officers must interact with members of the public in a professional manner (Board Review 04).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Police Officer Sharman has been a Member of Service for 11 years and has been the subject of three allegations in two previous case, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) § 87(2)(c)
- As per the New York City Comptroller's office, § 87(2)(b) filed a Notice of Claim on § 87(2)(b) against the City of New York and the New York City Police Department for excessive force and sought "an amount that exceeds the jurisdictional limits of all lower courts" in redress (Board Review 10).

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Squad 2

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date